

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA

ALEX HIXON,)
)
Plaintiff,)
)
v.) No. 1:19-cv-00120-PLR-SKL
)
)
TENNESSEE VALLEY AUTHORITY)
BOARD OF DIRECTORS,)
)
Defendant.)

PLAINTIFF'S MOTION FOR PARTIAL SUMMARY JUDGMENT

Plaintiff, through counsel, pursuant to Rule 56 of the Federal Rules of Civil Procedure, moves the Court for partial summary judgment in his favor as to Counts 1-5 and Count 7 as set forth in the Complaint. Plaintiff would show unto the Court that, as to these six claims asserted under Section 501 of the Rehabilitation Act, no dispute of material fact exists, and that Plaintiff is entitled to judgment as a matter of law in his favor.

As a preliminary matter, Plaintiff advises the Court that his Rehabilitation Act claims were first asserted (as required by law) at the administrative stage before the Equal Employment Opportunity Commission's Federal Sector Hearings Unit (hereinafter referred to as "EEOC"). Plaintiff's administrative complaint was filed with the EEOC in May 2014, and soon thereafter amended to add his wrongful discharge and retaliation claims. Plaintiff requested a hearing before an Administrative Judge in March 2015. Discovery ensued for a few months thereafter. For inexplicable reasons, the Administrative Judge did not take any action on the case after March 2015, and no hearing was ever scheduled. Due to inaction, on April 30, 2019, Plaintiff removed his case from the EEOC and filed his lawsuit with the Court. Thus, while the case has not been

long filed with this Court, the parties have been involved in litigation over this matter for a long time. Many of the documents that are being introduced as evidence in support of this motion are documents obtained during the EEOC stage of this case.

In support of his motion, Plaintiff is attaching numerous documents, sworn statements, and excerpts from depositions. In addition, Plaintiff invites the Court to review his detailed memorandum of law that is being filed contemporaneously herewith.

Respectfully submitted,

MIKEL & HAMILL PLLC

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CERTIFICATE OF SERVICE

I hereby certify that on the 2nd day of October, 2019, a copy of the foregoing document was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. All other parties will be served by regular U.S. mail. Parties may access this filing through the Court's electronic filing system.

By: s/ Doug S. Hamill